

Order

Michigan Supreme Court
Lansing, Michigan

October 26, 2007

Clifford W. Taylor,
Chief Justice

134214 & (52)

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

AMERICAN FAMILY ASSOCIATION OF
MICHIGAN,
Plaintiff-Appellant,

v

SC: 134214
COA: 273997
Ingham CC: 06-000830-CZ

MICHIGAN STATE UNIVERSITY BOARD OF
TRUSTEES,
Defendant-Appellee,
and

MICHIGAN STATE UNIVERSITY
ADMINISTRATIVE PROFESSIONALS
ASSOCIATION MEA/NEA, and CLERICAL-
TECHNICAL UNION OF MICHIGAN STATE
UNIVERSITY,
Intervening Defendants-Appellees.

On order of the Court, the motion for immediate consideration is GRANTED. The application for leave to appeal the June 12, 2007 judgment of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the question presented should be reviewed by this Court.

CAVANAGH and KELLY, JJ., would grant leave to appeal to consider the standing issue.

WEAVER, J., would grant leave to appeal and states as follows:

I would grant plaintiff's application for leave to appeal to reconsider *Lee v Macomb Co Bd of Comm'rs*,¹ *Nat'l Wildlife Federation v Cleveland Cliffs Iron Co*,²

¹ *Lee v Macomb Co Bd of Comm'rs*, 464 Mich 726 (2001).

² *Nat'l Wildlife Federation v Cleveland Cliffs Iron Co*, 471 Mich 608 (2004).

Rohde v Ann Arbor Pub Schools,³ and *Michigan Citizens for Water Conservation v Nestlé Waters North America Inc.*⁴ These erroneously decided cases created new standing law in Michigan that denies Michigan citizens access to the courts. *Lee*, *Nat'l Wildlife*, *Rohde*, and *Michigan Citizens* represent examples of judicial activism by the majority of four justices of this Court (Chief Justice Taylor and Justices Corrigan, Young, and Markman).

³ *Rohde v Ann Arbor Pub Schools*, 479 Mich 336 (2007).

⁴ *Michigan Citizens for Water Conservation v Nestlé Waters North America Inc.*, 479 Mich 280 (2007).



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 26, 2007

Corbin R. Davis

Clerk